

well beyond the applicable statute of limitations, and is, therefore, untimely.²

Accordingly, the post-conviction court properly dismissed the petition without an evidentiary hearing or appointment of counsel. T.C.A. § 40-30-206(b).

It is, therefore, ORDERED that the judgment of the trial court is affirmed in accordance with Rule 20, Rules of the Court of Criminal Appeals. Costs of this appeal shall be taxed to the state.

JOE G. RILEY, JUDGE

DAVID G. HAYES, JUDGE

JOHN EVERETT WILLIAMS, JUDGE

² The petition would also be barred under the previous three year statute of limitations. See T.C.A. § 40-30-102 (1990) (repealed); Passarella v. State, 891 S.W .2d 619 (Tenn. Crim. App.), perm. to app. denied, (Tenn. 1994).